

REMARKS

Claims 1-31 are pending in the application.

Claims 1-31 were rejected.

Claims 1-13, 14, 25 and 26 are amended herein.

I. Double Patenting Rejections

Claims 1-31 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,822,568, in view of U. S. Patent No. 5,627,877 and claims 1-30 of U.S. Patent No. 6,812,840, in view of U. S. Patent No. 5,627,877. The Office Action notes that such a rejection may be overcome by the filing of a terminal disclaimer provided the conflicting patent is commonly owned with this application. To that end, the Applicants present a terminal disclaimer in Attachment I hereto that is believed to satisfy that condition. In view of the filing of such terminal disclaimer, Applicants respectfully request the withdrawal of this double patenting rejection of their claims.

II. Claim Objections

Claims 2-12 were objected to because of an improper antecedent. Each of those claims has been amended in the manner suggested by the Office Action for correction of the problem.

Withdrawal of the objection is respectfully requested.

III. 35 USC §102 Claim Rejections

In the Office Action, claims 1-4, 6-10, 12-17, 19-22, 24-26 and 28-31 were rejected under 35 USC §102(b) as being anticipated by Penttonen (U.S. Patent No. 5,627,877).

Applicants respectfully traverse that rejection and request reconsideration by the Examiner.

As the Applicants describe in the Specification, there is increasingly a need for the maintenance of a set of data related to an object in a database readily accessible to the object. Moreover, due to potential communication bottlenecks, and the need to avoid unnecessary usage of long-haul communication facilities, it is also desirable that such a database be maintained in geographic proximity to the position of the object.

In many cases access to the database by or on behalf of the object will be implemented via a wireless or wireline communications channel between the object and a computer server at which the database is maintained. It will also be the case that, for some objects, frequent to near-continuous access to the database is needed. In that circumstance, access to the database from an object located remotely from the database location would not only involve intensive use of long-haul communication facilities, but also an increased likelihood of error being introduced by multiple communications hops.

To address such problems, the invention provides a dynamic database arranged to cause the data associated with a given object to be automatically and contemporaneously transferred from a first database located proximate to an initial location of the object to a second data base located proximate to a new location of the object, in response to movement of the object from the initial location to the new location. In an exemplary embodiment, the object in question is a person and the data will include biometric information for the person.

A processor is implemented in the invention that operates in response to an indication of movement by the object, from, *e.g.*, a first position to a second position, to effect a transfer of data related to the object from a database located proximate to the first position to a data base proximate to the second position, contemporaneous with movement of the object.

Responsive to a signal from the processor, a server at a location at which the first database is maintained may be caused to transmit the data associated with the object to another database server located proximate to the second position, via a high-speed data burst.

Optionally, the transfer of the object data from the first database server to the second database server may be scheduled at a time shortly preceding or following the actual movement of the object, which preceding or following time will correspond with a low-usage period for the communications facilities interconnecting the first and second database servers.

The cited §102 reference, Penttonen, is directed to a quite different idea. The essential teaching of Penttonen is a methodology for monitoring long-term relocation of a mobile unit of a wireless communications system from one home location to a new home location. Upon determination by Penttonen that a given mobile has permanently relocated to a new home area, its methodology operates to transfer responsibility for maintaining the voice mail database for that mobile from the mobile switching center of the original home area to the mobile switching center of the new home area. Note initially that, unlike the methodology of the invention where the database itself is transferred from a first to a second location, with Penttonen only the responsibility for maintaining a continuously changing data base is transferred.

More fundamentally, Penttonen differs from the invention – indeed teaches against the essential idea of the invention – in respect to the timing of the transfer. The invention is directed to a user expected to be moving between disparate locations on a substantially dynamic basis and provides a basis for a database accessed regularly by the user to be transferred among locations proximate to the user's current location on a similarly dynamic basis – *i.e.*, the invention operates to cause the database to be transferred to the user's new location contemporaneously with the movement of the user to that location. To the contrary,

Penttonen actually teaches away from such transient movement of its database responsibility function. See column 3 lines 17-27 where Penttonen states that its transfer operation only occurs upon a determination “that the subscriber has moved more or less permanently into the [new] area,” and that “short visits to another area do not result in a transfer.” Penttonen goes on to define its determination of the subscriber having permanently moved to a new area as occurring when the subscriber “has spent 20 of the last 30 days within the new area.” Thus the earliest time that a transfer would occur under Penttonen’s methodology would be 20 days after the subscriber has first moved to the new area. Plainly that does not correspond to the dynamic, substantially contemporary correspondence between object movement and database transfer of the invention.

It is assumed that the Office Action views the limitation of each of Applicants’ independent claims respecting transfer of the database “at a time other than that” of the movement of the object as encompassing the teaching of Penttonen. Although that limitation was intended to encompass a transfer during an off-peak communications traffic period shortly preceding or following the movement of the object, the Applicants acknowledge that it could be given a broader interpretation. Inasmuch as this limitation does not appear needed to distinguish over the art of record, and the idea of an off-peak transfer clearly not being essential to the practice of the invention, the Applicants have amended each of their independent claims to replace this limitation with a limitation directed to the data transfer occurring contemporaneously with movement of the object. (It is noted that dependent claims 2 and 28 are directed to a feature substantially corresponding to the intended construction of the now deleted limitation of those independent claims.) With this amendment of each of the independent claims, Applicants submit that those claims, and each of the rejected dependent

claims depending therefrom, now clearly distinguish over Penttonen. Withdrawal of the §102 rejection of Applicants' claims is accordingly respectfully requested.

IV. 35 U.S.C. §103 Claim Rejections

Claims 5, 11, 18, 23 and 27 were rejected under 35 U.S.C. §103 as being unpatentable over a combination of Penttonen and one of two cited secondary references. Each of those rejected claims depends, either directly or indirectly, from one of independent claims 1, 13, 14, 25 or 26. Applicants have shown above that each of those independent claims is novel over the cited primary reference. Accordingly, those dependent claims must also be patentable over the cited references. Withdrawal of the §103 rejection of dependent claims 5, 11, 18, 23 and 27 is accordingly respectfully requested.

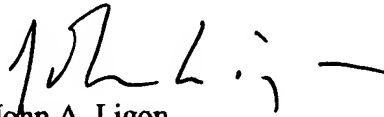
V. Conclusion

Having fully addressed the Examiner's objections and rejections herein, it is believed that, in view of the preceding amendments and remarks, this application now stands in condition for allowance. Such allowance is respectfully requested.

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Please charge any fees due in respect to this amendment to Deposit Account No. 50-1944.

Respectfully submitted,


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I hereby certify that this Response to Office Action is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on December 27, 2005.

By:


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